

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74404 of 2023

Arising Out of PS. Case No.-514 Year-2022 Thana- TAJPUR District- Samastipur

=====

Ajeet Kumar Ray @ Ajit Kumar Ray @ Lalan Ray, S/O Munshilal Ray, R/O
Village- Bikrampur, P.S- Tajpur (HALAI O.P), Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned

APP for the State.

2. In the present case, the petitioner seeks bail in connection with Tajpur (Halai O.P.) P.S. Case No. 514 of 2022 registered on 29.10.2022 for the alleged offences under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about petitioner and 11 other co-accused persons bringing illicit liquor on a pickup vehicle. While going to intercept the said vehicle, police picked up a WagonR vehicle on suspicion and two persons fled away from that vehicle. On search of the said vehicle, recovery of 90 litres of India made foreign liquor was made. Thereafter, a pick-up vehicle was seized and from this vehicle further recovery of 795.360 litres of India made



foreign liquor was made. However, no person was apprehended from either of the vehicles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. Petitioner has no concern either with the seized liquor or the vehicles. Petitioner runs a tuition centre and a large number of students come to attend classes in his centre which caused heart burn for other persons who have also running coaching centre and for this reason petitioner has been falsely implicated in this case. Similarly placed co-accused persons have been granted anticipatory bail by different Co-ordinate Benches of this Court vide order dated 13.01.2023 passed in Cr. Misc No. 72570 of 2022, order dated 28.04.2023 passed in Cr. Misc. No. 4777 of 2023, order dated 05.05.2023 passed in Cr. Misc. No. 18066 of 2023 and order dated 23.05.2023 passed in Cr. Misc. No. 31682 of 2023. Petitioner is in custody since 26.09.2023 after surrender. Petitioner is accused in one case and he is on bail in that case.

5. Learned APP opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that no recovery has been shown from this petitioner who was not apprehended from the spot and also considering the grant of bail to other co-accused persons, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-II-cum-Special Excise Court-2, Samastipur/ court concerned in connection with Tajpur (Halai O.P.) P.S. Case No. 514 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

